

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DONALD A. MOORE, On Behalf of Himself
and All Others Similarly Situated,

Plaintiffs,

v.

ELECTRONIC DATA SYSTEMS CORP.,
RONALD A. RITTENMEYER, JEFFREY
M. HELLER, RAY L. HUNT, W. ROY
DUNBAR, S. MALCOLM GILLIS, ELLEN
M. HANCOCK, EDWARD A. KANGAS,
JAMES K. SIMS, R. DAVID YOST,
ERNESTO ZEDILLO and HEWLETT
PACKARD COMPANY

Defendants.

Civil Action No. 4:08-CV-00192-RAS-DDB

STIPULATION OF DISMISSAL WITH PREJUDICE

TO: THE HONORABLE JUDGE OF SAID COURT

Plaintiff Donald A. Moore (“Plaintiff Moore”) and Defendants Electronic Data Systems Corp., Ronald A. Rittenmeyer, Jeffrey M. Heller, Ray L. Hunt, W. Roy Dunbar, S. Malcolm Gillis, Ellen M. Hancock, Edward A. Kangas, James K. Sims, R. David Yost, Ernesto Zedillo and Hewlett-Packard Company (“Defendants”) file this stipulation under Federal Rule of Civil Procedure 41(a)(1)(ii), dismissing with prejudice any and all claims and causes of action asserted in the above-captioned litigation.

1. Plaintiff Moore filed his purported Class Action Complaint against Defendants on May 30, 2008, and then filed his purported First Amended Class Action Complaint on July 7, 2008. On July 10, 2008, Defendants filed a responsive pleading.

2. The above-captioned action subsequently settled as part of a global settlement involving actions in Texas state court that contain similar allegations, which actions were consolidated as *In re Electronic Data Systems Class Action Litigation*, Master File No. 366-01078-2008, in the 366th Judicial District, Collin County District Court (the “State Court Action”).

3. The parties submitted their settlement for approval to the 366th Judicial District, District Court for Collin County, Texas, which is the court in the State Court Action. Notice of the proposed global settlement was provided, in a manner approved and ordered by the Texas state court, to a Settlement Class of “all public shareholders of EDS (other than the Defendants and any Person or entity acting for or on behalf of, or claiming under any of them and each of them in their capacity as such, including, as applicable, their affiliates, successors-in-interest, predecessors, representatives, trustees, executors, heirs, assigns or transferees, immediate and remote) during the period from May 9, 2008 up to and including August 26, 2008, the date that the Merger was consummated.” (See order attached hereto as Exhibit A). After a subsequent hearing on the matter, at which the Settlement Class had the opportunity to be heard regarding the settlement, the Texas state court approved the settlement and entered final judgment dismissing the State Court Action with prejudice. (See order attached hereto as Exhibit B).

4. Pursuant to the terms of the approved settlement, Plaintiff Moore has released all claims that are asserted and could have been asserted in the above-captioned litigation. In addition, the claims, facts, transactions, events, occurrences, acts, and omissions alleged and dismissed with prejudice in the State Court Action are the same claims, facts, transactions, events, occurrences, acts, and omissions alleged in the above-captioned litigation, and the claims for relief in the above-captioned litigation could have been presented in the State Court Action.

Further, Plaintiff Moore and Defendants intend that the Final Judgment and Order of Dismissal dismissing the State Court Action with prejudice will act as *res judicata* and bar the above-captioned litigation.

5. This Court previously entered an agreed order staying this action to allow the approval process to be completed in the State Court Action. The Court stayed the above-captioned litigation “until the earlier of 150 days . . . or the date of the filing of a motion dismiss with prejudice in the above-captioned actions, which motion shall be filed within one (1) business day of the entry of the order of dismissal with prejudice in the consolidated State Court Action.” An entry of a judgment of dismissal with prejudice was filed on December 23, 2008 in the State Court Action. Based on the foregoing and to effectuate and finalize the settlement between the parties, Plaintiff Moore and Defendants hereby file this stipulation of dismissal with prejudice.

6. This above-captioned litigation has not been certified as a class action. Further, a receiver has not been appointed in this action and this case is not governed by any federal statute that requires an order of the court for dismissal of the case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Moore and Defendants file this stipulation so that the stay is lifted and any and all claims and causes of action asserted by Plaintiff Moore in the above-captioned litigation are dismissed with prejudice, with each party bearing its own expenses and costs of court.

Dated: December 24, 2008

Respectfully submitted,

/s/William B. Federman
William B. Federman
State Bar No. 00794935
FEDERMAN & SHERWOOD

10205 North Pennsylvania Ave.
Oklahoma City, OK 73120
Telephone: (405) 235-1560
Facsimile: (405) 239-2112
-and-

2926 Maple Ave.
Suite 200
Dallas, Texas 75201
wfederman@aol.com

-and-

Patricia Weiser
Sandra G. Smith
Debra S. Goodman

THE WEISER LAW FIRM, PC
121 North Wayne Ave., Suite 100
Wayne, PA 19087
Telephone: (610) 225-0273
Facsimile: (610) 225-2678

**ATTORNEYS FOR PLAINTIFF DONALD A.
MOORE**

s/ Robert Elkin

Robert Elkin

McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
(214) 978-4000
(214) 978-4044 FAX

Judith L. Pace
McKool Smith P.C.
300 W. 6th Street, Suite 1700
Austin, TX 78701
(512) 692-8700
(512) 692-8744 FAX

Stephen Greiner
Tariq Mundiya
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, NY 10119
(212) 728-8000
(212) 728-8111 FAX

Howard Shapiro
THE SHAPIRO LAW FIRM
701 E. 15th Street, Suite 204
P.O. Box 86170 (zip 75086)
Plano, TX 75074
(972) 423-0033
(972) 423-0077 FAX

Jill Willis
THE WILLIS LAW FIRM
604 Fannin Court, Suite 100
Allen, TX 75013
(469) 441-9991
(469) 675-7606 FAX

PRICKETT, JONES & ELLIOTT, P.A.
Michael Hanrahan
Bruce E. Jameson
Laina M. Herbert
Marcus E. Montejo
1310 King Street
Wilmington, Delaware 19801
Telephone: 302/888-6500

ATTORNEYS FOR DEFENDANTS
ELECTRONIC DATA SYSTEMS CORP.,
RONALD A. RITTENMEYER, JEFFREY M.
HELLER, RAY L. HUNT, W. ROY DUNBAR,
MARTIN C. FAGA, S. MALCOLM GILLIS,
RAY J. GROVES, ELLEN M. HANCOCK,
EDWARD A. KANGAS, JAMES K. SIMS, R.
DAVID YOST AND ERNESTO ZEDILLO

s/ Dean Kitchens

Dean Kitchens

M. Byron Wilder
GIBSON, DUNN & CRUTCHER, LLP
2100 McKinney Avenue
Suite 1100
Dallas, TX 75201-6912
Telephone: 214/698-3100

**ATTORNEYS FOR DEFENDANTS HEWLETT
PACKARD COMPANY AND HAWK
MERGER CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2008 I served via ECF filing the foregoing document to all parties registered with the ECF filing system.

/s/ William B. Federman
William B. Federman